

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

VERSUS TECHNOLOGY, INC.,

Plaintiffs,

v.

RADIANCE, INC.,

Defendant.

Civil Action No. 04-1231 (SLR)

**PLAINTIFF’S MOTION FOR
LEAVE TO FILE AMENDED COMPLAINT**

Pursuant to Rule 15, Federal Rules of Civil Procedure, plaintiff Versus Technology, Inc. (“Versus”) hereby moves to amend its initial and only Complaint in this matter (D.I. 1) to add FreshLoc Technologies, Inc. (“FreshLoc”) as an involuntary plaintiff. Freshloc, is the owner of two of the four patents in suit. Versus, as the exclusive licensee of the two patents in suit owned by Freshloc, is entitled to add Freshloc as an involuntary plaintiff. *Independent Wireless Telegraph Co. v. Radio Corporation of America*, 269 U.S. 459, 469 (1926). (“If the owner of a patent, being within the jurisdiction, refuses or is unable to join an exclusive licensee as coplaintiff, the licensee may make him a party defendant by process, and he will be lined up by the court in the party character which he should assume.”); *Brunswick Corp. v. U.S.*, 22 Cl.Ct. 278, 288 (Cl.Ct.1991) (citing *Independent Wireless*) (“where a patent owner outside the jurisdiction of the court has notice of an infringement suit brought by its exclusive licensee, but refuses to join, the patent owner should be made an involuntary plaintiff.”).

Pursuant to Local Rule 15.1, duplicate copies of the proposed Amended Complaint are attached hereto as Exhibit 1. Pursuant to Local Rule 3.2 copies of the patents in suit are attached hereto as Exhibits A-D to the Amended Complaint. Further pursuant to Local Rule 15.1, a redline version showing the changes from Versus's initial Complaint is attached hereto as Exhibit 2.

Defendant, Radianse, Inc. does not oppose this motion.

Respectfully submitted,

CONNOLLY BOVE LODGE & HUTZ, LLP

DATED: March 25, 2005

s/ James M. Lennon
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Attorneys for plaintiff, Versus Technology, Inc.

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2005, I electronically filed this MOTION FOR LEAVE TO FILE AMENDED COMPLAINT with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

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I hereby certify that on March 2, 2005, I electronically mailed the documents to the following non-registered participants:

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